

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

JOHN BRUENS, et al.

Criminal No. 05-10102-JLT

**FINAL STATUS REPORT OF THE PARTIES**  
**PURSUANT TO LOCAL RULE 116.5 (C)**

The undersigned attorneys hereby represent that the parties have conferred pursuant to Local Rule 116.5(C) and discussed the issues as set forth below:(1) The only outstanding discovery issue is the government's production of documents evidencing the actual payments (bank transfers) made to the *qui tam* relators. The United States Attorney's Office ("USAO") has requested, but has not yet received, any documents evidencing the actual payments (bank transfers) made by other agencies within the Department of Justice. If these documents exist, the USAO will produce them immediately upon receipt.

(2) On July 11, 2006, the Government made available an additional eight boxes of documents that were recently received from a third-party. Defendants intend to copy and review these additional documents and will accordingly need time to accomplish this review. In addition, the Government has been and continues to make early disclosure of *Jencks* materials. The Government anticipates receiving a small number of additional documents from a third-party and will disclose them to the defendants immediately upon receipt. Other than this, the parties do not anticipate engaging in further exchange of discovery.

(3) The defendants do not anticipate raising the defense of insanity or public authority;

(4) The Government has not requested notice of alibi by the defendants and the defendants have therefore not responded. At this point in time, no party anticipates alibi as an issue in the case;

(5) The defense intends to file substantive motions requiring a ruling by the District Court in advance of trial, including motions to sever, a motion to strike excess information from the indictment and a motion to exclude testimony.

(6) Schedules should be set by the Magistrate Judge concerning the following matters other than trial:

- (a) filing of severance motions;
- (b) filing of other substantive motions.

The parties request that the defendants' motions be filed on September 19, 2006, with the Government's responses due to be filed on October 17, 2006.

In addition, schedules should be set by the District Court concerning the following matters other than trial:

- (a) disclosure of witness and exhibit lists;
- (b) production of all *Jencks* materials not already produced;
- (c) filing of Jury related motions and any other motions *in limine*, and any other schedules the Court deems necessary;

(7) The parties do not anticipate reaching an agreement to resolve the case prior to trial;

(8) The parties agree that the following periods of time have been excluded under the Speedy Trial Act: the time from the date of arraignment to the present, *i.e.*, May 2, 2005 until July 13, 2006.

In addition, the parties request the Court to exclude the time from the date of this Final Status Conference to the date that the Government responds to the defendants' motions to be filed, *i.e.*, from July 13, 2006 until October 17, 2006.

(9) Counsel for the government expects its case to last three weeks. Defense counsel anticipates approximately one week for its case.

Respectfully submitted,

**JOHN BRUENS, MARY STEWART,  
MELISSA VAUGHN, and MARC SIROCKMAN,**

By their undersigned attorneys.

/s/ Tracy A. Miner  
Tracy A. Miner  
Counsel for Mark Sirockman

/s/ Thomas McC. Souther  
Thomas McC. Souther  
Counsel for John Bruens

/s/ Mark A. Berman  
Mark A. Berman  
Counsel for Mary Stewart

/s/ Adam. S. Hoffinger  
Adam S. Hoffinger  
Counsel for Melissa Vaughn

**THE UNITED STATES OF AMERICA**

By: /s/ Mary Elizabeth Carmody

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Mary Elizabeth Carmody  
Susan M. Poswistilo  
Assistant U.S. Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that this Final Status Report of the Parties Pursuant to Local Rule 116.5 (C) filed through the EFC system will be sent electronically to the registered participants as

identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 12, 2006.

/s/ Mary Elizabeth Carmody  
MARY ELIZABETH CARMODY